

In re: Gregg D. Givens et al.
Serial No.: 10/068,016
Filed: February 5, 2002
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REMARKS

This amendment is submitted in reply to the Official Action mailed January 8, 2004 ("the Action"). The Action restricts the pending claims between two inventions, namely: Invention I, including Claims 1-37, 47-49 and 55, drawn to a method of generating hearing assessment signals for performing a hearing test; and Invention II, Claims 38-46, 50-54 and 56-59, drawn to a method of using web pages to conduct a hearing test. Applicants provisionally elect with traverse to prosecute the Invention I claims.

Applicants respectfully request reconsideration of the restriction and submit that the pending claims share special technical features such that it would not present an undue hardship on the Examiner to search and examine them together in one application. Further, Claims 38-46 and 58-59 have been amended hereinabove to depend directly or indirectly from method Claim 1.

In response to the election of species requirement, Applicants provisionally elect species A, a method of testing using patient indication of an audible signal (Claims 13-17, 31-35, 37 and 47-49). Claims 11, 36, 44, 55 are believed to read on species B, a method of testing using pressure/otoacoustic measurement. Applicants submit that Claims 1-10, 12, 18-30, 38-43, 45, and 58-59 are generic to both species.

American Journal of Audiology Article


Applicants are enclosing an article by Givens et al., (Dr. Givens being one of the inventors of the pending application), entitled *Internet Application to Tele-Audiology -- "Nothin' but Net"*, describing certain embodiments of the claimed invention and a study employed to evaluate same. Amer. Jnl. Of Audiology, Vol. 12, No. 2, pp. 59-65, December 2003.

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Conclusion

Applicants respectfully submit that this application is in condition for examination,
which action is respectfully requested.

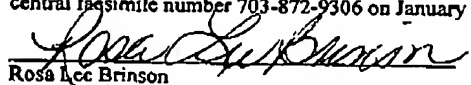
Respectfully submitted,


Julie H. Richardson
Registration No. 40,142

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

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